

**DURHAM, NORTH CAROLINA
MONDAY, MARCH 5, 2007
7:00 P.M.**

Durham City Council met in regular session on the above date and time in the Council Chambers at City Hall with the following members present: Mayor Bell, Mayor Pro Tempore Cole-McFadden, Council Member Brown, Council Member Catotti, Council Member Clement, Council Member Stith, and Council Member Woodard. Absent: None.

Also present: City Manager Patrick Baker, City Attorney Henry Blinder, City Clerk D. Ann Gray and Deputy City Clerk Linda Bratcher.

Mayor Pro Tempore Cole-McFadden called the meeting to order announcing that the Mayor would be arriving late. The Mayor Pro Tempore requested a moment of silent meditation and the Pledge of Allegiance was led by Council Member Clement.

CEREMONIAL ITEMS/ANNOUNCEMENTS BY COUNCIL

Mayor Pro Tempore Cole-McFadden read a proclamation declaring March 5-11, 2007 as Multiple Sclerosis Awareness Week presented to Blanche Dean who made comments and March 6, 2007 as Ghanaian Independence Day presented to Pierre Osei-Owusu who made comments and presented a gift to the City of Durham. Also, the Mayor Pro Tem congratulated Eula Bell Turner on celebrating her 107th birthday.

The following announcements were made and/or events were attended by Council: Council Member Woodard commented on the Durham Neighborhood College Kickoff recognizing participants and staff; commented on Annual Vigil Against Violence, Dance Performance at Carolina Theatre congratulating Anjane Bell; Council Member Catotti commented on the Durham Affordable Housing Coalition, Coffee with Council, Council Member Clement attended 10th Annual Samuel DeBois Cook Annual Dinner and several citizens were honored--Rev. Joe Harvard, Dr. Leroy Walker and students.

PRIORITY ITEMS BY THE CITY MANAGER, CITY ATTORNEY AND CITY CLERK

Mayor Pro Tempore Cole-McFadden asked for priority items from the City Manager, City Attorney and City Clerk. City Manager Baker commented on two events attended: served as the Commencement Speaker at the Durham Housing Authority 2nd Home Owners Graduation Banquet and attended the 100th Anniversary of Mechanics & Farmers Bank. Relative to GBA Item #18 [Amendment to Contract for Physician Services], City Manager Baker informed Council that additional information regarding workforce statistics has been provided and requested that this item be referred back to the administration for consideration at the March 8, 2007 Work Session. He requested Supplemental Agenda Item #41 [Durham Police Department's 2006 Fourth Quarter Crime Report] be heard after the Consent Agenda.

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There were no priority items from the City Attorney and City Clerk.

MOTION by Council Member Stith seconded by Council Member Woodard to approve the City Manager's priority items was approved at 7:20 p.m. by the following vote: Ayes: Mayor Pro Tempore Cole-McFadden and Council Members Brown, Catotti, Clement, Stith and Woodard. Noes: None. Absent at time of Vote: Mayor Bell.

CONSENT AGENDA

Mayor Pro Tempore Cole-McFadden asked if any citizen(s) or council member(s) wanted to pull any items from the Consent Agenda. No items were pulled from the Consent Agenda.

Council Member Stith requested that his vote be reflected no on Consent Agenda Item #27 [Extension of Temporary Ordinance Pertaining to Taxicab Rates Authorizing Fuel Surcharge] expressing concern about the impact this item will have on individuals with fixed incomes.

MOTION by Council Member Stith seconded by Council Member Woodard to approve the Consent Agenda was approved at 7:25 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Brown, Catotti, Clement, Stith and Woodard. Noes: None. Absent: None.

Subject: Payroll Adjustments Financial Audit (November 2006)

MOTION by Council Member Stith seconded by Council Member Woodard to receive and accept the Payroll Adjustments Financial Audit (November 2006) as presented and approved at the January 22, 2007 meeting of the Audit Services Oversight Committee was approved at 7:25 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Brown, Catotti, Clement, Stith and Woodard. Noes: None. Absent: None.

Subject: Approval of City Council Minutes

MOTION by Council Member Stith seconded by Council Member Woodard to approve City Council minutes for the December 18, 2006, January 2, 2007 and January 16, 2007 City Council Meetings; and

To approve City Council action taken at the December 20, 2006 and January 4, 2007 City Council Work Sessions was approved at 7:25 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Brown, Catotti, Clement, Stith and Woodard. Noes: None. Absent: None.

Subject: Capital Program Advisory Committee - Receipt and Acceptance of Applications

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MOTION by Council Member Stith seconded by Council Member Woodard to receive and accept applications for citizens to fill four (4) vacancies on the Capital Program Advisory Committee to represent Project Management, Engineer, PAC 1 and PAC 2 with term expiring on March 31, 2009 was approved at 7:25 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Brown, Catotti, Clement, Stith and Woodard. Noes: None. Absent: None.

Subject: Audit Services Oversight Committee - Appointment

MOTION by Council Member Stith seconded by Council Member Woodard to appoint James E. Shaw to fill one (1) vacancy on the Audit Services Oversight Committee for a member to represent the Business Community with a term to expire on April 1, 2010 was approved at 7:25 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Brown, Catotti, Clement, Stith and Woodard. Noes: None. Absent: None

Subject: Durham Area Transit Authority - Appointment

MOTION by Council Member Stith seconded by Council Member Woodard to reappoint Bruce Allen Peterson to fill one (1) vacancy on the Durham Area Transit Authority for an Alternate Member with the term to expire on March 1, 2010 was approved at 7:25 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Brown, Catotti, Clement, Stith and Woodard. Noes: None. Absent: None.

Subject: Human Relations Commission - Receipt and Acceptance of an Application

MOTION by Council Member Stith seconded by Council Member Woodard to receive and accept an application for a citizen to fill one (1) vacancy on the Human Relations Commission for a Minority Female with a term to expire on June 30, 2007 was approved at 7:25 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Brown, Catotti, Clement, Stith and Woodard. Noes: None. Absent: None.

Subject: City-County Environmental Affairs Board - Receipt and Acceptance of Applications

MOTION by Council Member Stith seconded by Council Member Woodard to receive and accept applications for a citizen to fill one (1) vacancy on the City-County Environmental Affairs Board representing Biological Sciences with a term to expire on June 30, 2008 was approved at 7:25 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Brown, Catotti, Clement, Stith and Woodard. Noes: None. Absent: None.

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Subject: Historic Preservation Commission - Receipt and Acceptance of Applications

MOTION by Council Member Stith seconded by Council Member Woodard to receive and accept applications for a citizen to fill one (1) vacancy on the Historic Preservation Commission to represent the category of Architect with the term expiring on August 31, 2009 was approved at 7:25 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Brown, Catotti, Clement, Stith and Woodard. Noes: None. Absent: None.

Subject: Durham Planning Commission - Appointment

MOTION by Council Member Stith seconded by Council Member Woodard to appoint Benjamin Greene to fill one (1) vacancy on the Durham Planning Commission to represent District 3 with a term to expire on June 30, 2008 was approved at 7:25 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Brown, Catotti, Clement, Stith and Woodard. Noes: None. Absent: None.

Subject: Durham Bicycle & Pedestrian Advisory Commission - Receipt and Acceptance of an Application

MOTION by Council Member Stith seconded by Council Member Woodard to receive and accept an application for a citizen to fill one (1) vacancy on the Durham Bicycle & Pedestrian Advisory Commission with the term to expire on August 31, 2009 was approved at 7:25 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Brown, Catotti, Clement, Stith and Woodard. Noes: None. Absent: None.

Subject: Bids - Fire Fighter Self Contained Breathing Apparatus - C. W. Williams & Company

MOTION by Council Member Stith seconded by Council Member Woodard to accept the bid from C.W. Williams & Company in the amount of \$215,913.60 for providing the City with 120 Fire Fighter Self Contained Breathing Apparatus;

To authorize the City Manager to enter into a contract with C.W. Williams & Company in the amount of \$215,913.60 for providing the City with 120 6 Fire Fighter Self Contained Breathing Apparatus; and

To authorize the City Manager to modify the contracts before execution provided that modifications do not increase the dollar amount of the contract and the modifications are consistent with the general intent of the existing version of the contract was approved at 7:25 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Brown, Catotti, Clement, Stith and Woodard. Noes: None. Absent: None.

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Subject: Bids - Estimated Two (2) Years Requirements for Diesel Fuel (1,035,000 Gallons) - Petroleum Traders Corporation

MOTION by Council Member Stith seconded by Council Member Woodard to accept the bid from Petroleum Traders Corporation in the estimated amount of \$1,709,069.50 for providing the City with its Estimated Two (2) Years Requirements for Diesel Fuel;

To authorize the City Manager to enter into a contract with Petroleum Traders Corporation in the estimated amount of \$1,709,069.50 for providing the City with its Estimated Two (2) Years Requirements for Diesel Fuel; and

To authorize the City Manager to modify the contract before execution provided that modifications do not increase the dollar amount of the contract and the modifications are consistent with the general intent of the existing version of the contract was approved at 7:25 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Brown, Catotti, Clement, Stith and Woodard. Noes: None. Absent: None.

Subject: Bids - Vehicles from Rick Hendrick Chevrolet; Sam Pack's Five Star Ford and University Ford

MOTION by Council Member Stith seconded by Council Member Woodard to accept the bid from Rick Hendrick Chevrolet in the amount of \$69,404.00 for providing the City with 4 Mini Passenger Vans (Item No. 8);

To authorize the City Manager to enter into a contract with Rick Hendrick Chevrolet, in the amount of \$69,404.00 for providing the City with 4 Mini Passenger Vans (Item No. 8);

To accept the bid from Sam Pack's Five Star Ford, in the amount of \$70,852.00 for providing the City with 2 8,800 GVWR Pickup Trucks (Item No. 6) and 2 9,200 GVWR Crew Cab Pickup Trucks (Item No. 7);

To authorize the City Manager to enter into a contract with Sam Pack's Five Star Ford, in the amount of \$70,852.00 for providing the City with 2 8,800 GVWR Pickup Trucks (Item No. 6) and 2 9,200 GVWR Crew Cab Pickup Trucks (Item No. 7);

To accept the bid from University Ford, in the amount of \$459,383.00 for providing the City with 1 Compact Sedan (Item No. 1), 12 compact Pickup Trucks (Item No. 2), 1 Compact 4X4 Pickup Truck (Item No. 3), 4 6,200 GVWR Pickup Trucks, 1 6,200 GVWR 4X4 Extended Cab Pickup Truck (Item No. 5), 2 6,700 GVWR Vans (Item No. 9), 6 Mid-Sized 4X2 Sport Utility Vehicles (Item No. 10a), 3 Mid-Sized 4X4 Sport Utility Vehicles (Item No. 10b), and 1 Full Sized 4X4 Sport Utility Vehicle (Item No. 11);

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To authorize the City Manager to enter into a contract with University Ford, in the amount of \$459,383.00 for providing the City with 1 Compact Sedan (Item No. 1), 12 compact Pickup Trucks (Item No. 2), 1 Compact 4X4 Pickup Truck (Item No. 3), 4 6,200 GVWR Pickup Trucks, 1 6,200 GVWR 4X4 Extended Cab Pickup Truck (Item No. 5), 2 6,700 GVWR Vans (Item No. 9), 6 Mid-Sized 4X2 Sport Utility Vehicles (Item No. 10a), 3 Mid-Sized 4X4 Sport Utility Vehicles (Item No. 10b), and 1 Full Sized 4X4 Sport Utility Vehicle (Item No. 11); and

To authorize the City Manager to modify the contracts before execution provided that modifications do not increase the dollar amount of the contract and the modifications are consistent with the general intent of the existing version of the contract was approved at 7:25 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Brown, Catotti, Clement, Stith and Woodard. Noes: None. Absent: None.

Subject: Street Acceptances - Wynterfield Townhomes - Indigo Corners - Trenton Road Subdivision/Phase 2 - Huntington Ridge/Phase 2 - Ashfield Place/Phases 3 and 4B

MOTION by Council Member Stith seconded by Council Member Woodard to accept the streets as listed for maintenance by the City of Durham was approved at 7:25 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Brown, Catotti, Clement, Stith and Woodard. Noes: None. Absent: None.

Wynterfield Townhomes

- 1) Contravest Parkway** – from the beginning of construction @ STA 4+44 north to the end of construction @ STA 12+80 (836'.)

Indigo Corners

- 1) New Hope Commons Boulevard** – from the east curb line of Mount Moriah Church Road east to the end of construction @ STA 17+98.23 (741'.)

Trenton Road Subdivision – Phase 2

- 1) Mill Hill Lane** – from the centerline of Taylor Hall Place north to the end of construction @ STA 63+12 (1,055') and
- 2) Taylor Hall Place** – from the beginning of construction @ STA 31+77.83 southeast thru the cul-de-sac (356') and
- 3) Yale Lane** – from the beginning of Phase 2 construction east to the centerline

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of Mill Hill Lane (246') and

Huntington Ridge – Phase 2

- 1) **Timber Wolf Drive** – from the centerline of Panthers Run Drive westward to the end of construction @ STA 23+69.84 (1,370') and
- 2) **Hunting Chase** – from the centerline of Timber Wolf Drive north to the end of construction @ STA 13+99.72 (400') and
- 3) **Ramcat Road** – from the centerline of Timber Wolf Drive north to the end of construction @ STA 13+71.37 (371') and
- 4) **Panthers Run Drive** – from the beginning of construction @ STA 12+19 north to the end of construction @ STA 18+46.06 (627.)

Ashfield Place – Phases 3 & 4B

- 1) **Paces Ferry Drive** – from STA 21+80 north then west to the end of construction @ STA 36+87.06 (1,507') and
- 2) **Wicker Court** – from the centerline of Paces Ferry Drive northwest thru the cul-de-sac (188') and
- 3) **Broadfield Court** – from the centerline of Paces Ferry Drive west thru the cul-de-sac (299') and
- 4) **Lakeview Drive** – from the centerline of Paces Ferry Drive north to the end of construction @ STA 9+64.11 (401') and
- 5) **Salwood Lane** – from the centerline of Lakeview Drive east then south thru the cul-de-sac (448'.)

Subject: Wal-Mart Safe Neighborhood Heroes and Wal-Mart Community Grant Awards

MOTION by Council Member Stith seconded by Council Member Woodard to authorize the City Manager to accept the Wal-Mart Safe Neighborhood Heroes Grant and Wal-Mart Community Grant by executing the grant documents; and

To adopt the Wal-Mart Safe Neighborhood Heroes Grant and Wal-Mart Community Grant Project Ordinance, in the amount of \$3,500.00 was approved at 7:25 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Brown, Catotti, Clement, Stith and Woodard. Noes: None. Absent: None.

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Ordinance #13388

Subject: Mutual Aid Agreement with Town of Chapel Hill Fire Department

MOTION by Council Member Stith seconded by Council Member Woodard to authorize the City Manager to enter into a Mutual Aid Agreement with Town of Chapel Hill Fire Department was approved at 7:25 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Brown, Catotti, Clement, Stith and Woodard. Noes: None. Absent: None.

Subject: Mutual Aid Agreement with City of Raleigh Fire Department

MOTION by Council Member Stith seconded by Council Member Woodard to authorize the City Manager to enter into a Mutual Aid Agreement with the City of Raleigh Fire Department was approved at 7:25 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Brown, Catotti, Clement, Stith and Woodard. Noes: None. Absent: None.

Subject: Ordinance Amending Section 12-16 of the City Code - Public Sites for Consumption of Alcohol

MOTION by Council Member Stith seconded by Council Member Woodard to adopt an Ordinance Amending Section 12-16 of the City Code to align the City's definition with that of the State and to make changes to the public sites in which consumption of alcohol is legal was approved at 7:25 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Brown, Catotti, Clement, Stith and Woodard. Noes: None. Absent: None.

Ordinance #13389

Subject: Fox Family Foundation, Inc. Grant Project Ordinance

MOTION by Council Member Stith seconded by Council Member Woodard to authorize the City Manager to accept the Fox Family Foundation, Inc. Grant by executing the grant documents; and

To adopt the Fox Family Foundation, Inc. Grant Project Ordinance, in the amount of \$10,000.00 was approved at 7:25 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Brown, Catotti, Clement, Stith and Woodard. Noes: None. Absent: None.

Ordinance #13390

Subject: Extension of Temporary Ordinance Pertaining to Taxicab Rates Authorizing Fuel Surcharge

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MOTION by Council Member Stith seconded by Council Member Woodard to adopt an Ordinance Extending a Temporary Ordinance Authorizing an Expanded Taxicab Rate Surcharge was approved at 7:25 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Brown, Catotti, Clement and Woodard. Noes: Council Member Stith. Absent: None.

Ordinance #13391

Subject: Contract SW-18, Sidewalks and Traffic Calming - Holmes Contracting, Incorporated

MOTION by Council Member Stith seconded by Council Member Woodard to authorize the City Manager to execute a contract with Holmes Contracting, Incorporated for SW-18 Street Improvements in the amount of \$491,403.00;

To establish a contingency fund in the amount of \$73,710.45 (15%); and

To authorize the City Manager to negotiate change orders provided that the cost of all change orders does not exceed \$73,710.45 and the total project cost does not exceed \$565,113.45 was approved at 7:25 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Brown, Catotti, Clement, Stith and Woodard. Noes: None. Absent: None.

Subject: Contract with Cambridge Systematics, Inc. (CSI) for the MPO Non-Motorized Trip Model Development

MOTION by Council Member Stith seconded by Council Member Woodard to authorize the City Manager to execute a contract with Cambridge Systematics Inc. for the development of the MPO Non-motorized trip model enhancement in the amount of \$200,000.00; and

To authorize the City Manager to modify the contract prior to execution provided the modifications do not increase the dollar amount of the agreement and the modifications are consistent with the general intent of the version of the agreement was approved at 7:25 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Brown, Catotti, Clement, Stith and Woodard. Noes: None. Absent: None.

Subject: Contract with Urban Analytics, Inc. for the MPO UrbanSim Land-Use Model Development

MOTION by Council Member Stith seconded by Council Member Woodard to authorize the City Manager to execute a contract with Urban Analytics, Inc for the development of the MPO UrbanSim land-use model in the amount of \$200,000.00; and

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To authorize the City Manager to modify the contract prior to execution, provided that modifications do not increase the dollar amount of the agreement and the modifications are consistent with the general intent of the version of the agreement was approved at 7:25 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Brown, Catotti, Clement, Stith and Woodard. Noes: None. Absent: None.

Subject: Environmental Systems Research Institute Software Maintenance Services

MOTION by Council Member Stith seconded by Council Member Woodard to authorize the City Manager to purchase the software maintenance services provided by Environmental Systems Research Institute, Inc. in the amount of \$78,508.01 to cover the period of one year was approved at 7:25 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Brown, Catotti, Clement, Stith and Woodard. Noes: None. Absent: None.

Subject: Server Lease Agreement with CCA Financial, LLC

MOTION by Council Member Stith seconded by Council Member Woodard to authorize the City Manager to execute a four-year lease agreement with CCA Financial, LLC for 10 Dell servers and one 64-Port Dominion switch in the amount of \$19,978.76 annually for four (4) years, for a total of \$79,915.04; and

To authorize the City Manager to modify the agreement before execution provided that modifications do not increase the dollar amount and the modifications are consistent with the general intent of the existing version of the agreement was approved at 7:25 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Brown, Catotti, Clement, Stith and Woodard. Noes: None. Absent: None.

Subject: Interlocal Agreement between the City of Durham and Durham Public Schools Board of Education for the Renovation and Use of the Holton Center

MOTION by Council Member Stith seconded by Council Member Woodard to authorize the City Manager to execute the Interlocal Agreement between the City and Durham Public Schools Board of Education to establish the terms for the renovation and shared use of the Holton Center; and

To authorize the City Manager to make changes to the Interlocal Agreement such that the amount of money provided by the City is not increased was approved at 7:25 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Brown, Catotti, Clement, Stith and Woodard. Noes: None. Absent: None.

The City Council disposed of the following agenda items at the February 22, 2007 Work Session:

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15. Capital Project Ordinance Amendment to Increase the Funding for the American Tobacco Trail, Phase E

To adopt an Ordinance Amending the Capital Project Ordinance, Fiscal Year 2006-2007, as amended, the same being Ordinance #13271, for the purpose of adding \$106,017.00 to the American Tobacco Trail Project available from unused Pool Replacement Funds.

Ordinance #13387

(This item was approved at the 2/22/07 Work Session with a vote of 5/0)

16. HOME CHDO Grant Agreement with Rebuild Durham, Inc. for Acquisition of Five (5) Residential Units to Rehabilitate and Rent to Low-Moderate Income Families; and HOME CHDO Operating Grant in the amount of \$24,000.00

To authorize the expenditure of FY 06-07 HOME CHDO funds in an amount not to exceed \$24,000.00;

To authorize the City Manager to execute a Community Housing Development Organization (CHDO) Operating Grant Agreement with Rebuild Durham, Inc. in amount not to exceed \$24,000.00 funded from FY 06-07 HOME CHDO funds;

To authorize the expenditure of FY 06-07 HOME CHDO funds in an amount not to exceed \$138,000.00;

To authorize the City Manager to execute a Community Housing Development Organization (CHDO) Grant Agreement with Rebuild Durham, Inc. in an amount not to exceed \$138,000.00 funded from FY 06-07 HOME CHDO funds; and

To authorize the City Manager to modify the agreements and other related documents before execution, provided that the modifications do not increase the dollar amount of the agreements and do not lessen the obligations of the developer.

(This item was approved at the 2/22/07 Work Session with a vote of 6/0)

22. Third Amendment to Agreement for Professional Design Services for Durham City Hall and Annex Renovations

To authorize the City Manager to execute an amendment to the existing contract with Roughton, Nickelson, DeLuca, Architects, PA, to include increasing the scope of professional services required for the renovation of the City Hall and to perform professional design services for the City Hall Annex, increasing the compensation to be paid from \$589,630.00 to \$805,087.00;

To authorize the City Manager to increase the project contingency by \$15,082.00 to \$57,452.00; and

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To negotiate and execute change orders to the Roughton, Nickelson, DeLuca, Architects, PA, contract provided the total cost of the contract does not exceed \$805,087.00.

(This item was approved at the 2/22/07 Work Session with a vote of 6/0)

23. Proposed Advanced Acquisition for the Future Expansion of Lake Michie – Property of Harold R. and Betty F. Toler

To approve the acquisition in fee simple absolute of unimproved land from Harold R. and Betty F. Toler, identified as PIN # 0848-04-51-6951 (± 7.96 acres) for \$10,000.00 per acre for a total purchase price of \$79,600.00.

(This item was referred back to the Administration – General Services)

31. Durham Fit Community Grant Application

To authorize the Mayor to endorse the application for Fit Community grant funding.

(This item was approved at the 2/22/07 Work Session with a vote of 6/0)

37. Stop the Bullet

To receive comments from Melvin Whitley regarding the Bullet Bill.

(Citizens comments were received at the 2/22/07 Work Session)

38. Dan Smith

To receive comments from Dan Smith regarding the proposed Durham Amtrak Station.

(Citizens comments were received at the 2/22/07 Work Session)

39. Rita Gregory

To receive comments from Rita Gregory regarding Durham Area Transit Authority (DATA).

(Citizens comments were received at the 2/22/07 Work Session)

[SUPPLEMENTAL ITEM]

Subject: Durham Police Department's 2006 Fourth Quarter Crime Report

To receive the Durham Police Department's 2006 Fourth Quarter Crime Report.

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Police Chief Steve Chalmers presented a power point presentation on the 4th quarter Crime Report. The presentation provided highlights of sworn staffing, non-sworn staffing, criminal homicide, forcible rape, robbery, aggravated assault, violent crime, burglary, larceny, motor vehicle theft, property crime, index crime, clearance rate.

Jason Schiess, of the Police Department, discussed how the City reviews historical trends to determine whether there will be a reduction/increase in crime.

Mayor Bell raised a concern with staff looking only at historical trends rather than what efforts have been put in place to reduce crime.

Mayor Pro Tempore Cole-McFadden raised a concern about the number of individuals under 18 involved in criminal activity and noted there needs to be an aggressive approach to saving our youth.

Police Chief Chalmers made reference to the issue of Results Based Accountability noting it has been designed to address crime and its root causes and stated that is what is being done differently.

At the request of Mayor Pro Tempore Cole-McFadden, Police Chief Chalmers indicated that the Police Department will outline in its next report scheduled for the second Work Session in March the process of what happens to a youth as a first-time offender.

Mayor Bell asked staff to provide what intervention methods are being used to prevent individuals from getting into the system; provide the goal for the number of guns seized; review data to determine if students committing crime are in-school or out-of-school and homicide trend.

Also, the Mayor expressed concern with the issue of trends and asked staff to provide initiatives that will reduce crime.

Council held discussion on 90-day initiative; overtime--internal analysis of personnel needs.

Police Chief Chalmers informed Council that the police personnel study has been completed which revealed the Police Department is 65 officers short including the investigative areas.

City Manager Baker informed Council that a presentation on the police personnel study will be presented during the budget process.

Police Chief Chalmers made comments in support for additional police officers and overtime pay for his department.

At the request of Council Member Brown, Police Chief Chalmers will provide information on the percentage of gang members involved with robberies, rapes and violent crime, and the percentage of criminals back on the streets--top 50/100.

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Council held discussion on 5-year highs, robberies, parents' accountability, Hispanic initiative, index crime rate, resources and staffing, adding third academy,

Council Member Catotti asked staff to provide information on a plan for addressing the staffing gap of 65 and a third academy during the budget process.

Council held discussion on increasing the size of academy to 38, retention of current officers, parental support programs, increase in violent crime due to the lack of federal support, phase 2 of pay plan for police officers; level of park surveillance

Mayor Pro Tempore Cole-McFadden asked staff to review the issue of litter control at parks.

Council Member Catotti asked the staff to address the issue of domestic violence to include children.

Mayor Bell asked to be excused from the meeting since his daughter gave birth to a baby girl.

Note: No action was taken by Council on this item.

[GENERAL BUSINESS AGENDA]

Subject: Beer and Wine Licenses for August 14, 2006 - January 22, 2007

MOTION by Council Member Stith seconded by Council Member Woodard to approve local beer and wine privilege licenses for the listed establishments was approved at 8:55 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Brown, Catotti, Clement, Stith and Woodard. Noes: None. Absent: None.

Note: Further action was taken on this item later in the meeting.

Subject: Amendment to Contract for Physician Services - Research Triangle Occupational Health Services, PA

To authorize the City Manager to amend the contract with Research Triangle Occupational Health Services, PA, to provide additional occupational health services in an amount of \$232,128.00, for a total amount not to exceed \$870,128.00 for the three year period July 1, 2006, through June 30, 2009; and

To authorize the City Manager to modify the contract before execution provided that modifications do not increase the dollar amount of the contract and the modifications are

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consistent with the general intent of the existing version of the contract.

Note: This item was referred back to the administration during the City Manager's Priority Item.

Subject: The Durham County Hazard Mitigation Plan

To receive public comments on the Durham County Hazard Mitigation Plan; and

To adopt a resolution approving the Durham County Hazard Mitigation Plan.

Mayor Pro Tempore Cole-McFadden opened the public hearing.

No one present spoke on this item. The public hearing was declared closed by Mayor Pro Tempore Cole-McFadden.

MOTION by Council Member Stith seconded by Council Member Woodard to receive public comments on the Durham County Hazard Mitigation Plan; and

To adopt a resolution approving the Durham County Hazard Mitigation Plan was approved at 8:56 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Brown, Catotti, Clement, Stith and Woodard. Noes: None. Absent: None.

Resolution #9440

Subject: Mini Assessment Roll for Sewer Main on Ardmore Drive from the East Property Line of Tax Map 509-1-4 to the South Property Line of Tax Map 509-2-3B

To reconsider the assessment against the property of CASWYCK-HVF, L.L.C., and

To find that the property, identified as Ardmore Drive, Lots 21 thru 28, PIN #0820-17-21-0258, has not benefited from the sewer main improvement at this time and to relieve the assessment in the amount of \$19,642.48 with the provision that a future frontage charge will be due and payable at the prevailing rate should the property connect to City sewer (in accordance with City Policy).

Mayor Pro Tempore Cole-McFadden opened the public hearing.

Engineering and Storm Water Manager Lee Murphy made comments on this item. He noted this property meets the criteria for relief before tap on.

There being no one to speak in support for or against this item, the Mayor Pro Tem closed the public hearing.

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MOTION by Council Member Woodard seconded by Council Member Stith to reconsider the assessment against the property of CASWYCK-HVF, L.L.C., and

To find that the property, identified as Ardmore Drive, Lots 21 thru 28, PIN #0820-17-21-0258, has not benefited from the sewer main improvement at this time and to relieve the assessment in the amount of \$19,642.48 with the provision that a future frontage charge will be due and payable at the prevailing rate should the property connect to City sewer (in accordance with City Policy) was approved at 8:57 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Brown, Catotti, Clement, Stith and Woodard. Noes: None. Absent: None.

Subject: Mini Assessment Roll for Sewer Main on Marywood Drive from Park Place to the East Property Line of Tax Map 773-1-5A

To reconsider the assessment against the property of Homer and Ruth Buck, and

To find that the property, identified as Marywood Drive, Lot 1B, PIN #0814-03-32-2379, has not benefited from the sewer main improvement at this time and to relieve the assessment in the amount of \$1,175.00 with the provision that a future frontage charge will be due and payable at the prevailing rate should the property connect to City sewer (in accordance with City Policy).

Mayor Pro Tempore Cole-McFadden opened the public hearing.

Engineering and Storm Water Manager Lee Murphy made comments on this item.

There being no one to speak in support for or against this item, the Mayor Pro Tem closed the public hearing.

MOTION by Council Member Stith seconded by Council Member Woodard to reconsider the assessment against the property of Homer and Ruth Buck, and

To find that the property, identified as Marywood Drive, Lot 1B, PIN #0814-03-32-2379, has not benefited from the sewer main improvement at this time and to relieve the assessment in the amount of \$1,175.00 with the provision that a future frontage charge will be due and payable at the prevailing rate should the property connect to City sewer (in accordance with City Policy) was approved at 8:58 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Brown, Catotti, Clement, Stith and Woodard. Noes: None. Absent: None.

Subject: Economic Development Incentive Contract with Therasim, Inc. for \$15,000.00

March 5, 2007

To receive public comments on the incentive contract with Therasim; and

To authorize the City Manager to execute a contract with Therasim, Inc. for a maximum amount of \$15,000.00; and

To authorize the City Manager to make other changes as may be needed so long as they do not increase the amount to be paid by the City nor reduce the benefits to be gained by the City.

Mayor Pro Tempore Cole-McFadden opened the public hearing.

Assistant Director for Economic and Workforce Development Trisha Gensic made comments on this item.

The Mayor Pro Tem closed the public hearing.

MOTION by Council Member Stith seconded by Council Member Woodard to receive public comments on the incentive contract with Therasim; and

To authorize the City Manager to execute a contract with Therasim, Inc. for a maximum amount of \$15,000.00; and

To authorize the City Manager to make other changes as may be needed so long as they do not increase the amount to be paid by the City nor reduce the benefits to be gained by the City was approved at 8:59 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Brown, Catotti, Clement, Stith and Woodard. Noes: None. Absent: None.

Subject: Beer & Wine Licenses for August 14, 2006 - January 22, 2007

Council Member Clement raised a concern with the increase in renewals and new applications for beer and wine licenses in fragile areas. He requested the administration to add a column on the report to highlight police activity per address for renewals.

Finance Director Ken Pennoyer commented on this being done for selected establishments, but would respond to the request on Thursday.

Since action was taken on this item earlier in the meeting, City Attorney Blinder briefed Council that they would need to reconsider the vote taken by Council earlier in the meeting.

MOTION by Council Member Woodard seconded by Council Member Stith to reconsider the vote taken on this item was approved at 9:04 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Brown, Catotti, Clement, Stith and Woodard. Noes: None. Absent: None.

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MOTION by Council Member Woodard seconded by Council Member Catotti to approve local beer and wine privilege licenses for the listed establishments was approved at 9:04 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Brown, Catotti, Stith and Woodard. Noes: Council Member Clement. Absent: None.

Status	Acct Name	Physical Address	Type
Renewal	Cozart's Food and Produce	2717 Cheek Rd	Convenience
Renewal	Latin American Food	2502 Holloway St	Restaurant
New	Atlantic Food Mart	2024 Angier Ave	Convenience
		Total PAC 1	3
Renewal	R&W Stop & Shop	3310 Dearborn Dr	Convenience Store
Renewal	North Durham Citgo	4535 N Roxboro Rd	Convenience Store
Renewal	Jump Shot Billiards	3405 Hillsborough Rd	Club
Renewal	El Corral Mexican Restaurant	1821 Hillandale Rd	Restaurant
Renewal	Sals Pizza	1821 Hillandale Rd, Ste 9	Restaurant
Renewal	Rudino's Pizza & Grinders	1515 N Pointe Dr Ste 108	Restaurant
Renewal	Durham Food Mart	407 Old Oxford Hwy	Convenience
Renewal	Restaurant Los Amigos	2016 Guess Rd	Restaurant
Renewal	Cole Mill Billiards	1647 Cole Mill Rd	Pool Room
Renewal	Viva La Raza	324 W Geer St	Convenience
New	Thrills From The Grill	2827 North Roxboro Rd	Caterer
New	El Pantano Sport Bar	1000 East Geer Street	Sports Bar
New	East Club Plaza	1420 East Club Blvd	Sports Bar
New	Cattleman's Steak House	3520 Hillsborough Rd	Restaurant
		Total PAC 2	14
Renewal	La Fondita LLC	2000 Avondale Dr	Restaurant
Renewal	Canal Street Grocery	508 Canal Street	Grocery Store
Renewal	Uncle Harry's General Store	1917 Yearby Ave	Restaurant
Renewal	Outback Steakhouse	3500 Mt. Moriah Rd	Restaurant
Renewal	Honduras Bar & Restaurant	1121 University Dr	Restaurant
Renewal	Shade Tree Coffee	2816 Erwin Rd Ste 201	Coffee Shop
Renewal	Kashmir Indian Cuisine	2511 Durham Chapel Hill Blvd	Restaurant
Renewal	Galaxy Supermarket	1233 University Dr	Grocery Store
Renewal	Red Robin America's Gourmet Burgers & Spirits	5324 Durham-Chapel Hill Blvd	Restaurant

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Renewal	Rays Billiards	3201 University Drive	Bar
New	Carrabbas Italian Grill	5312 New Hope Commons Ext	Restaurant
New	Four Points By Sheraton	7807 Leonardo Drive	Hotel
New	La Luna Night Club	3400 Westgate Drive Suite 1 & 2	Night Club
New	Melting Pot	7011 Fayetteville Road Suite 101	Restaurant
		Total PAC 3	14
Renewal	Double Tree Guest Suites	2515 Meridian Pkwy	Hotel
Renewal	Sheraton Imperial Hotel	4700 Emperor Blvd	Hotel
Renewal	Akashi Japanese Grill and Sushi	2223 E Highway 54 Suite #RS	Restaurant
New	Fortune Garden Chinese Restaurant	5410 HWY 55 Space Y	Restaurant
New	Tienda Hispana "La Frontera"	1524 S Miami Blvd	Convenience Store
		Total PAC 4	0
Renewal	Shooters II Inc	827 W Morgan St	Restaurant
Renewal	Boxer's Ringside	308 W Main St	Club
Renewal	Devines Restaurant & Sports Bar	904 W Main St	Restaurant
Renewal	Bull City Supermarket	1109 E Main St	Grocery Store
New	Metro 8	746 9th Street	Restaurant
New	Mr B&J's Pig Pen	1102 Gann St	Restaurant
New	Piedmont	401 Foster St	Restaurant
New	Broad Street Cafe	1116 Broad St	Café
New	Rue Cler Restaurant & Bakery Cafe	401 East Chapel Hill St	Restaurant
New	Dain's Place	754 Ninth Street	Sports Bar
		Total PAC 5	10
New	Edna's and Lucky's Bar	1629 Glenn School Rd	Bar
		Total No PAC	1
		Total Beer/Wine Renewal	42

ADJOURNMENT

There being no further business to come before the City Council, the meeting was adjourned at 9:04 p.m.

Linda E. Bratcher
Deputy City Clerk

D. Ann Gray, CMC
City Clerk

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